

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

| | | |
|----------------------|---|--------------------------------|
| GENAVILLE LLC, |) | |
| |) | |
| Plaintiff |) | |
| |) | |
| v. |) | C.A. No. 2:15-cv-00886-JRG-RSP |
| |) | |
| PC CONNECTION, INC., |) | |
| |) | |
| Defendant. |) | |
| |) | |

**DEFENDANT PC CONNECTION INC.’S ANSWER,
AFFIRMATIVE DEFENSES, AND COUNTERCLAIMS**

ANSWER

Defendant PC Connection Inc. (“PC Connection” or “Defendant”) files this Answer in response to the Complaint for Patent Infringement (the “Complaint”) of Plaintiff Genaville LLC, (“Genaville” or “Plaintiff”).

THE PARTIES

1. PC Connection is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 1 of the Complaint and therefore denies those allegations.

2. PC Connection admits that PC Connection, Inc. is a corporation organized and existing under the laws of the State of Delaware, with a place of business at 730 Milford Road, Merrimack, NH 03054-4631 and that it may be served with process via its registered agent The Corporation Trust Company.

JURISDICTION AND VENUE

3. PC Connection admits that this is a patent infringement action. The remaining allegations of this paragraph state a legal conclusion to which no response is required.

4. This paragraph states a legal conclusion to which no response is required.

5. This paragraph states a legal conclusion to which no response is required.

COUNT ONE ALLEGED INFRINGEMENT OF U.S. PATENT NO. 5,999,927

6. PC Connection is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 6 of the Complaint and accordingly, these allegations are denied.

7. PC Connection admits that it makes, uses, operates, and makes available to the public, directly or through intermediaries, a website at <http://www.pcconnection.com/>. PC Connection denies any remaining allegations in this paragraph.

8. Denied.

9. Denied.

10. PC Connection denies that Genaville is entitled to a judgment of infringement.

11. PC Connection denies that Genaville is entitled to any payment.

12. PC Connection denies that Genaville is entitled to any other relief.

AFFIRMATIVE DEFENSES

First Affirmative Defense (Failure to State a Claim)

Genaville' Complaint fails to state a claim upon which relief can be granted.

Second Affirmative Defense (Non-Infringement)

PC Connection does not infringe, contributorily infringe, or induce the infringement of any valid claim of United States Patent No. 5,999,927 ("the '927 Patent"), either literally or

under the doctrine of equivalents.

Third Affirmative Defense (Invalidity)

The '927 Patent is invalid for failure to meet one or more of the requirements of patentability under United States Code Title 35, including, without limitation, one or more of the requirements of 35 U.S.C. §§ 101, 102, 103 and/or 112.

Fourth Affirmative Defense (Failure to Mark or Provide Notice)

On information and belief, Genaville is barred or otherwise limited in its right to seek damages due to a failure to mark products with the '927 Patent number or otherwise provide notice of alleged infringement of the '927 Patent to PC Connection.

Fifth Affirmative Defense (35 U.S.C. § 288)

Genaville is barred by 35 U.S.C. § 288 from recovering costs.

Sixth Affirmative Defense (Equitable Defenses)

Upon information and belief, Genaville is barred, in whole or in part, from recovering by the doctrines of acquiescence, laches, equitable estoppel, waiver, and/or unclean hands.

Additional Affirmative Defenses

PC Connection's investigations into the allegations set forth in Genaville' Complaint are ongoing and Genaville expressly reserves the right to assert and pursue additional defenses.

COUNTERCLAIMS

THE PARTIES

1. PC Connection is a Delaware corporation with offices at Route 101A, 730 Milford Road, Merrimack, New Hampshire 03054-4631.
2. Genaville alleges that it is a limited liability company organized under the laws of the State of Texas and has its principal place of business at 1400 Preston Road, Suite 478, Plano, Texas, 75093.

JURISDICTION AND VENUE

3. These counterclaims arise under the United States Patent Laws, 35 U.S.C. § 101, *et seq.* This Court has jurisdiction over these counterclaims pursuant to 28 U.S.C. §§ 1331, 1338, 2201, and 2202.

4. Genaville is subject to personal jurisdiction in this judicial district because it availed itself of the jurisdiction of this Court, and engaged in acts giving rise to this controversy in this district.

5. Venue is proper under 28 U.S.C. §§ 1391 and 1400(b) and pursuant to Fed. R. Civ. P. 13 because Genaville filed this action in this district. This venue is not, however, the most convenient under the principles relevant to 28 U.S.C. § 1404(a).

FIRST COUNTERCLAIM Declaratory Judgment of Non-Infringement

6. PC Connection repeats and realleges each and every allegation contained in its Answer and Counterclaims as though fully set forth herein.

7. In this action, Genaville alleges that it is the owner of all substantial rights to the '927 patent and has alleged that PC Connection infringes the '927 Patent.

8. PC Connection does not infringe the '927 Patent.

9. An actual and justiciable controversy exists between Genaville and PC Connection with respect to Genaville's assertion of infringement.

10. PC Connection has no adequate remedy at law.

11. PC Connection is entitled to a declaration that it does not infringe any valid claim of the '927 Patent, and that Genaville be enjoined from further charging or threatening to charge PC Connection with infringement of the '927 Patent.

SECOND COUNTERCLAIM
Declaratory Judgment of Invalidity and/or Unenforceability

12. PC Connection repeats and realleges each and every allegation contained in its Answer and Counterclaims as though fully set forth herein.

13. Genaville contends that the '927 Patent is valid and enforceable.

14. The '927 Patent is invalid and unenforceable.

15. An actual controversy exists between Genaville and PC Connection regarding the invalidity and/or unenforceability of the '927 Patent.

16. PC Connection is entitled to a declaratory judgment that the claims of the '927 Patent are invalid and/or unenforceable.

17. This is an exceptional case entitling PC Connection to an award of its attorney fees under 35 U.S.C. § 285.

PRAYER FOR RELIEF □

WHEREFORE, PC Connection prays for judgment in its favor, and an Order:

- a. dismissing Genaville's Complaint with prejudice;
- b. awarding judgment in favor of PC Connection and against Genaville;
- c. declaring that the '927 Patent is not infringed by PC Connection and that PC Connection has not induced others to infringe, or contributed to the infringement of, the '927 Patent;
- d. declaring that the '927 Patent is invalid and/or unenforceable;
- e. declaring that this is an exceptional case under 35 U.S.C. § 285 and all other applicable statutes, rules and common law, and awarding PC Connection its costs and attorneys' fees incurred in this action; and

- f. granting to PC Connection such other and further relief as this Court may deem just and proper

DEMAND FOR JURY TRIAL

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, PC Connection demands a jury trial as to all matters so triable.

DATED: August 10, 2015

By: /s/ Matthew B. Lowrie
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CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who have consented to electronic service are being served with a copy of the foregoing document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this 10th day of August, 2015.

/s/ Matthew B. Lowrie
Matthew B. Lowrie